IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

CRL.A.No. 648 of 2000()

ST.162/1999 of JUDL.MAGISTRATE OF FIRST CLASS-III, KOTTAYAM dt.30.6.2000.

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APPELLANT: COMPLAINANT

M.S.PACAGE , KANGAZHA, DEVAGIRI P.O,
KOTTAYAM, REP.BY ITS MANAGING PARTNER,
SOBYCHAN ABRAHAM.

BY ADV. SRI.T.P.VARGHESE

RESPONDENT:

STATE OF KERALA, REP.BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A. NO. 648 of 2000

Dated this the 28th day of June, 2007

JUDGMENT

Appellant is the complainant in S.T.No.162/1999 , the proceedings initiated under section 138 of the Negotiable Instruments Act which happened to be dismissed as the complainant was absent and the accused was acquitted under section 256(1) Cr.P.C. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further proceed with the matter. The petitioner shall appear before the court below on 30-7-2007.

The court below shall issue fresh summons to the accused.

The Crl.Appeal is allowed.

(K.R.UDAYABHANU)

JUDGE.

kvm/-

K.R.UDAYABHANU,JUDGE.

Kvm/